

**ASSEMBLY BILL**

**No. 1324**

**Introduced by Assembly Member Vargas**

February 22, 2005

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An act to amend Section 45452 of the Education Code, and to amend Section 42011 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1324, as introduced, Vargas. vehicles: school pedestrian-bicyclist safety program.

Existing law creates a school pedestrian-bicyclist safety program and doubles or increases the fines for a designated violation occurring in a specially posted school pedestrian-bicyclist safety zone, as specified, in Alameda County, Santa Barbara County, Ventura County, or in any city in any of those counties where the program is adopted by a vote of the city council, or the county board of supervisors, as appropriate, and is established in collaboration with local school districts within those jurisdictions, if that county or city opts for the application of this law.

This bill would, in addition, apply the above provisions to San Diego County.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 45452 of the Education Code is
- 2 amended to read:
- 3 45452. (a) The County of Alameda, *the County of San Diego*,
- 4 the County of Santa Barbara, the County of Ventura, or any city

1 within any of these counties, in collaboration with local school  
2 districts within those jurisdictions, may establish a school  
3 pedestrian-bicyclist safety program and receive funds from a  
4 special account in the county treasury established pursuant to  
5 Section 1463.21 of the Penal Code if those funds are used to fund  
6 programs that enhance the safety of ~~students~~ *pupils* traveling to  
7 and from school on foot or by bicycle. Any funds obtained by a  
8 city or county from this source are to supplement any funds  
9 already expended by that agency for pedestrian or bicycle safety  
10 programs and may not be used to supplant any existing  
11 expenditures for those purposes.

12 (b) If a program is established pursuant to subdivision (a) and  
13 the services of a law enforcement agency are requested by the  
14 program administrator, those services shall be provided by the  
15 law enforcement agency having primary traffic investigative  
16 authority.

17 (c) This section shall remain in effect only until January 1,  
18 2007, and as of that date is repealed, unless a later enacted  
19 statute, that is enacted before January 1, 2007, deletes or extends  
20 that date.

21 SEC. 2. Section 42011 of the Vehicle Code is amended to  
22 read:

23 42011. (a) For any offense specified in subdivision (b) that is  
24 committed by the driver of a vehicle under either of the following  
25 conditions, the fine in a misdemeanor case shall be double the  
26 base amount otherwise prescribed, not including any penalty  
27 assessments or other fees or additions, and in an infraction case,  
28 the fine shall be one category higher than the penalty otherwise  
29 prescribed by the uniform traffic penalty schedule established  
30 pursuant to Section 40310, not including any penalty assessments  
31 or other fees or additions:

32 (1) When passing a school building or the grounds thereof, if  
33 the building or grounds are contiguous to a highway and posted  
34 with a standard "SCHOOL" warning sign and an accompanying  
35 sign notifying motorists that increased penalties apply for traffic  
36 violations that are committed within that school zone, and  
37 children are going to or leaving the school either during school  
38 hours or during the noon recess period.

39 (2) When passing any school grounds that are not separated  
40 from the highway by a fence, gate, or other physical barrier while

1 the grounds are in use by children, and the highway is posted  
2 with a standard “SCHOOL” warning sign and an accompanying  
3 sign notifying motorists that increased penalties apply for traffic  
4 violations that are committed within that school zone.

5 (b) A violation of any of the following provisions is an offense  
6 that is subject to subdivision (a):

7 (1) Article 3 (commencing with Section 21450) of Chapter 2  
8 of Division 11, relating to obedience to traffic devices.

9 (2) Chapter 3 (commencing with Section 21650) of Division  
10 11, relating to driving, overtaking, and passing.

11 (3) Chapter 4 (commencing with Section 21800) of Division  
12 11, relating to yielding the right-of-way.

13 (4) Chapter 6 (commencing with Section 22100) of Division  
14 11, relating to turning and stopping and turn signals.

15 (5) Chapter 7 (commencing with Section 22348) of Division  
16 11, relating to speed limits.

17 (6) Chapter 8 (commencing with Section 22450) of Division  
18 11, relating to special traffic stops.

19 (7) Section 23103, relating to reckless driving.

20 (8) Section 23104, relating to reckless driving which results in  
21 bodily injury to another.

22 (9) Section 23109, relating to speed contests.

23 (10) Section 23152, relating to driving under the influence of  
24 alcohol or a controlled substance, or a violation of Section  
25 23103, as specified in Section 23103.5, relating to alcohol-related  
26 reckless driving.

27 (11) Section 23153, relating to driving under the influence of  
28 alcohol or a controlled substance, which results in bodily injury  
29 to another.

30 (12) Section 23220, relating to drinking while driving.

31 (13) Section 23221, relating to drinking in a motor vehicle  
32 while on the highway.

33 (14) Section 23222, relating to driving while possessing  
34 marijuana or an open alcoholic beverage container.

35 (15) Section 23223, relating to being in a vehicle on the  
36 highway while possessing an open alcoholic beverage container.

37 (16) Section 23224, relating to being a driver or passenger  
38 under the age of 21 years possessing an open alcoholic beverage  
39 container.

1 (17) Section 23225, relating to being the owner or driver of a  
2 vehicle in which there is an open alcoholic beverage container.

3 (18) Section 23226, relating to being a passenger in a vehicle  
4 in which there is an open alcoholic beverage container.

5 (c) (1) This section applies only in Alameda County, *San*  
6 *Diego County*, Santa Barbara County, Ventura County, or in a  
7 city in any of these counties, and only if that jurisdiction has  
8 adopted this section by a vote of the city council or county board  
9 of supervisors, as appropriate.

10 (2) The increased fines authorized by subdivision (a) may only  
11 be imposed and collected once per offense notwithstanding the  
12 fact that the offense occurred within more than one jurisdiction  
13 all of which have adopted this section. Furthermore, ~~no~~ *an*  
14 increased fine shall *not* be imposed if an increased fine is  
15 imposed under Section 42009 ~~or 42010~~ because the offense  
16 occurred within a highway construction or maintenance area ~~or~~  
17 ~~safety enhancement area~~.

18 (d) ~~Any~~ *A* city or county that adopts this section shall promptly  
19 notify the *Department of the* California Highway Patrol and the  
20 law enforcement agency having the primary traffic investigative  
21 authority of that fact.

22 (e) This section shall remain in effect only until January 1,  
23 2007, and as of that date is repealed, unless a later enacted  
24 statute, that is enacted before January 1, 2007, deletes or extends  
25 that date.